



Appeals and State Hearings Newsletter

Website: www.ladpss.org

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Our address: 3833 S Vermont Ave - 4th floor
Los Angeles, CA 90037



Hearing Terms

Adjudicate - Adjudicate is the exercise of judicial authority to resolve a matter. For CDSS Judges, adjudicating includes reviewing all allegations and evidence raised by the hearing parties, researching the applicable law, weighing the submitted evidence, resolving factual disputes with evidentiary findings, applying the law to the facts of the case, making legal rulings which resolve all disputed issues between the hearing parties, fashioning an enforceable order, and preparing a written decision which resolves issues raised in a hearing request.

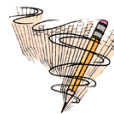
Continued Hearings - This is an additional hearing scheduled and/or conducted after an initial hearing by the same Judge. This happens in situations when the hearing cannot be finished on the same day that it started due to an unavailable interpreter or important witness, or someone becomes ill or the hearing is expected to last beyond the end of the business day.

Open Record - The Judge will allow a time period so that either party present additional evidence or written arguments. The Judge may leave a record open while conducting a hearing or may reopen a record after the hearing. Records are typically open for 30 days but the time can be extended or shortened as deemed by the Judge. The additional material is submitted to the Judge but the parties do not reconvene to continue the hearing. The Judge will not render a decision while the record is held open.

Stipulation - This is an agreement by all hearing parties to a fact or issue. A stipulation does not exist unless and until all hearing parties clearly agree to it. A party's silence cannot be used to construe a stipulation.



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Dear ASHley

Dear Ashley,

I'm an Eligibility Worker and was asked to appear as a county witness at a state hearing. I did appear but the participant didn't! I was finally released after waiting for an hour. Why wasn't I notified that the participant postponed so I wouldn't have to waste my time driving to the hearing site and then waiting for a participant who never appeared?

Signed,
Has work to do



Dear Has,

Prior to each hearing date, Appeals Hearing Specialists check the State Hearing Division's computer system to determine if there's been a postponement. If so, witnesses are notified to save them the trip to the state hearing site. Although most hearing postponements are known in advance and all parties are advised, there are times when the participant postpones at the last minute, such as the morning of the hearing, or even after the hearing date. When this happens, the postponement information isn't available to the county in time to notify witnesses. Two common reasons for postponements are the illness of the participant or his/her conflicting court dates. Only the State Hearings Division can grant postponements of state hearings. While we know that interruption of your work is inconvenient, it cannot always be prevented and is an unavoidable part of the state hearing process.



Case Correction Memos (PA 411) sent by ASH to district offices now identify potential Food Stamp errors. If the issue involves Food Stamps, a notation on the upper right hand corner of the PA 411 alerts districts that the case in question may have a potential Food Stamp error!



In July 2004, there were 188 PA 411s with FS alert notations. Remember that a corrected case means one less error case!!!